

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 -----x

5 DAVID FLOYD, LALIT CLARKSON, DEON DENNIS,
6 and DAVID OURLICHT, individually and on
7 behalf of a class of all other similarly
8 situated,

9 Plaintiffs, Index No
10 -against- 08 CIV 01034
11 THE CITY OF NEW YORK, NEW YORK CITY POLICE
12 COMMISSIONER RAYMOND KELLY, in his
13 individual and official capacity, et al,
14 Defendants.

15 -----x
16 March 29, 2010
17 11:00 a.m.

18 DEPOSITION of ADHYL POLANCO, taken
19 by the Plaintiffs, held at the law offices of
20 Covington & Burling LLP, The New York Times
21 Building, 620 Eighth Avenue, New York, New York,
22 10018-1405, before Eleanor Greenhouse a Shorthand
23 Reporter and Notary Public by and for the State
24 of New York.

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2 A P P E A R A N C E S:

3

4 CENTER FOR CONSTITUTIONAL RIGHTS

5 Attorneys for the Plaintiffs

6 666 Broadway

7 New York, New York 10012

8 BY: DARIUS CHARNEY, ESQ.

9

10

11 NEW YORK CITY LAW DEPARTMENT

12 OFFICE OF CORPORATION COUNSEL

13 Attorneys for the City of New York

14 100 Church Street

15 New York, New York 10007

16 BY: JOHN ROHACK, ESQ.

17 DAVID HAZAN, ESQ.

18 LINDA DONOHUE, ESQ.

19

20 LAURIANO GUZMAN

21 Attorney for the Witness

22 2565 Frisby Avenue

23 Bronx, New York 10461

24

25

1 A. Polanco

2 performance monitoring.

3 Q. I want to talk about that situation
4 later, but other than this current situation
5 which you're speaking of, have you ever been
6 mistreated in other situations by any supervisors
7 or co-workers in the NYPD because of your race or
8 ethnicity?

9 A. NO.

10 Q. Have you ever been mistreated by any
11 supervisors or co-workers for any other reason
12 since you've been a member of the Police
13 Department?

14 A. Yes.

15 Q. What are the other situations where
16 you've been mistreated?

17 A. I reported corruption.

18 Q. When was that?

19 A. Back in October.

20 Q. October of 2009?

21 A. 2009.

22 Q. What kind of corruption? First of
23 all, who did you report it to?

24 A. I reported it to Internal Affairs
25 because I grew up in Washington Heights. I know

1 A. Polanco

2 what it's like to sit in the park or -- I was
3 seeing an awful lot of people, kids, getting
4 arrested for no other reason than being a number
5 for CompStat.

6 Q. So you reported this situation of
7 kids being arrested for no reason, you reported
8 it to Internal Affairs in October of '09.

9 A. Yes, I did.

10 Q. You said you were mistreated because
11 of it. What kind of mistreatment or adverse
12 employment action was taken because of that,
13 reporting that to the IAB?

14 A. It's going to be a long answer.

15 Q. Let me see if I can shorten it.

16 Other than the stuff you just talked about, the
17 suspension and the psychological hold and the
18 modified duty, are there other forms of
19 mistreatment that you suffered as a result of
20 reporting this situation to the IAB?

21 A. I was seen as the enemy after that,
22 a Police Department enemy. They hurt -- I became
23 a cop because I believed in helping people, I
24 believe in doing the right thing for people, not
25 throwing cuffs on them for no reason. So they

1 A. Polanco

2 The guy was mentally -- schizophrenic. The
3 lieutenant had already set up a checkpoint for us
4 to get, but I was at the missing so I couldn't
5 leave. He wanted me to leave but I couldn't
6 because I was a patrol officer assigned to that.
7 And by the time I finished with the missing a
8 couple of hours later, and I located him in the
9 hospital, and the person was admitted, the
10 lieutenant couldn't -- no longer could have done
11 the checkpoint that day, so the next day, the
12 minute my partner and I walked out of roll call,
13 they told us "You're going to a checkpoint today
14 because the prior day you didn't."

15 Q. Earlier you said that it took you a
16 lot of courage to finally speak up to IAB about
17 this issue. What were you afraid or what are you
18 afraid would happen to you as a result of
19 speaking to IAB?

20 A. It did happen. I was retaliated
21 against, and basically, they were waiting for a
22 perfect chance to do me, how we call it, to get
23 rid of me or get me in trouble.

24 In my situation, we were patrolling
25 a checkpoint, my partner and I, with two other

1 A. Polanco

2 officers.

3 Q. When was this?

4 A. This was December 12, 2009. My
5 partner started getting chest pains in the middle
6 of the checkpoint. Ambulance was called.
7 Everybody came in. I mean, the ambulance with my
8 partner, the person I have been working since the
9 46, almost five years. I was ordered by
10 Lieutenant Valanzano not to go with my partner,
11 to step out of the ambulance, and when I stepped
12 out of the ambulance, ten minutes later, my
13 partner started turning blue with an oxygen mask
14 on. I told the lieutenant that I'm going with my
15 partner. At that time, he suspended me on the
16 spot.

17 Q. And you believed that this was in
18 retaliation for you going to IAB about the
19 quotas?

20 A. Yes, absolutely.

21 Q. Why do you believe that it was in
22 retaliation?

23 A. Because Sergeant Rodriguez told me
24 that day that they were looking to get me in
25 trouble, they were looking to, and also it's